

Saving Hakodate from the MOX Nuclear Power Plant Oma: Citizens Group for the Oma Nuclear Power Plant Trial “Oma Gempatsu Soshō no Kai

Keiichi SATOH

Outline of the research

Date: February 21, 2016

Place: Hakodate City, Hokkaido.

Interviewee: Citizens Group for the Oma Nuclear Power Plant Trial (大間原発訴訟の会)

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INTRODUCTION

Citizens Group for the Oma Nuclear Power Plant Trial (CGOL) (大間原発訴訟の会 Ōma Gempatsu Soshō no Kai) is a citizen plaintiff group that has gone to court to stop the construction of a MOX nuclear power plant in Oma, Aomori Prefecture. This group was initially organized by residents of Hokkaido and Aomori prefectures.

But after the Fukushima Daiichi power plant accident caused by the earthquake of March 11, 2011, its membership spread nationwide. As of 2016, there are almost 1,100 regular members who pay the annual membership fee of 3,000 yen. In addition to these regular members who are the plaintiffs in the case, there are also around 400 supporting members.

The administration of the groups is mainly undertaken by around 15 members living in Hakodate, a city located across the Tsugaru Strait from Oma.

In addition to supporting the legal case, the group

also hold symposiums about the power plant and distribute handbills around the construction site once per year with their partner group “Landowner Group against the Oma Nuclear Power Plant” (大間原発に反対する地主の会 Ōma Gempatsu ni Hantaisuru Jinushi no Kai). Since the earthquake, they have also been participating in the monthly demonstration in Hakodate organized by local group “Good-Bye Oma Nuclear Power Plant Hakodate Working Committee” (バイバイ大間原発はこだてウォーク実行委員会 BaiBai Ōma Gempatsu Hakodate Walk Jikkō Iinkai).

We conducted an interview with the group’s leader, Toshiko Takeda, and its secretary Tsukasa Nakamori at the Hakodate Community Design Center on February 21, 2016. The interview took around two hours. This report was written and edited based on this interview. When preparing the report, we asked some further questions via email and added some additional information.



Photo 1: Members gathering to participate in a demonstration held on the third Sunday of every month. Note: At the Hakodate Community Design Center, Hakodate, Hokkaido on February 21, 2016. Photo by author.

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HISTORY OF THE CGOL

The main members of the CGOL are retired men and women in their fifties and sixties, namely, baby boomers. Most of them have been engaged in anti-nuclear social movements since the 1980s.

Members of the group have been part of different groups, each of which was established to reflect local concerns over the progress of nuclear power plant construction in Oma. In 1986 they founded their first group, “Study Group on Nuclear Issues in Hakodate and Shimokita” (Study Group) (函館・「下北」から核を考える会 Hakodate Shimokita kara Kaku wo Kangaeru kai). This was a citizen-based study circle whose members tried to educate themselves about the nuclear problem in general.

In 1994, members of the Study Group founded “Donan Citizens Group to Stop the Oma Nuclear Power Plant” (Donan Group) (ストップ大間原発道南の会 Stop Ōma Gempatsu Dōnan no Kai) to oppose the Oma nuclear power plant (Donan refers to the southern part of Hokkaido).



Photo 2: Demonstration by COGL members in Hakodate. Many of them hold message boards illustrated with tuna and squid, a specialty product in Hakodate
Note: At the Hakodate Community Design Center, Hakodate, Hokkaido on February 21, 2016. Photo by author.

Finally, in 2008 they established CGOL in order to organize the plaintiff group. The members of these groups overlap, but not completely, because each participant has a different preference as to the extent

of the activities they wish to engage in.

Establishment of the Study Group after the Chernobyl Accident

When the Chernobyl accident occurred in 1986, Nakamori, who was a high school social studies teacher at the time, had two children aged seven and three. Concerns for his children prompted him to want to learn more about the nuclear problem and he decided to establish the Study Group. He asked a university professor who led the local high school teachers' group for learning the teaching method of social studies to lead the group.

Already in 1987, the Study Group started organizing numerous visits to Oma, Mutsu and Rokkasho, where nuclear-related infrastructure is concentrated.

Takeda's engagement in various citizen groups started after she moved to Hakodate when she got married. Her first group was a citizens group for distributing organic vegetables. Takeda and Nakamori got to know each other through the Study Group.

As mentioned above, the core members of CGOL knew each other in their thirties and forties in the late 1980s and early 1990s and continued their anti-nuclear activities together.

Why have the younger generation not joined these groups in the meanwhile? Nakamori thinks that the main cause of this is the shortage of time caused by long working hours and low wages among the non-regular employee spreading among the young generation. Nakamori said, “I think the younger generation are very busy. Half of young people are in insecure work. They also don't go so often to pubs. They mainly spend their time at Karaoke instead. Our generation used to go to bars, pubs and cafes more often. Young people cannot spend as much money as we did. They also don't go out drinking with their boss.”

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The Study Group often visited the construction site of Oma nuclear power plant, which commenced following a formal invitation from the Oma municipal assembly in 1984. The group also supported on the construction site by raising funds and helping install a signboard.¹ The groups also supported a movement known as the “One Area Land Owners Group” (一坪地主の会 Hitotsubo Jinushi no Kai) in which anti-nuclear citizens become a small part of the landowner in the construction area in order to prevent Electric Power Development Company (J-Power) from purchasing the site. Through these various activities, they developed networks with other activists in Aomori Prefecture.

Establishment of Donan Group in 1994

At an extraordinary general meeting in May 1994, the Oma and Okoppe Fisheries Cooperative Associations (FCA) agreed to a proposal to construct the plant and decided to accept the compensation money that was on offer. They later concluded an agreement with the J-Power that provided compensation to members of the cooperatives.²

This was the decisive decision for the building of the Oma nuclear power plant. In response, members of the Study Group founded the Donan Group in September 1994 with the aim of stopping the construction of the Oma plant. According to Takeda, the chief of the group, Chuichi Omachi, who was a lawyer, said at that time that they would need to be prepared for a court battle in the final phase.³ In 1995, J-Power announced that the Oma plant would be the first reactor to be fueled solely by MOX fuel.

In December 1998, the then Nuclear Safety Commission (NSC) held its first public hearing on the Oma plant. However, the Donan Group, located outside Oma town, was not recognized as a local group and was therefore not allowed to take part.

The Donan Group responded by suing the state

in the Hakodate local court on February 4, 1999, demanding the right to participate in the public hearing.

Though the court rejected their claim, the NSC allowed them to participate in the second public hearing in 2005, as one of five representatives from Hakodate.⁴ Takeda, who attended the public hearing, described it as follows: “No matter what we said, NSC just repeated that it was safe, with big clipboards. I thought to myself, this hearing is just a place for the NSC to advertise their agreement. This made me really disappointed because I expected J-Power, as a state-owned company, could think about more about the safety.”

Establishment of CGOL in 2008

In December 2006, members of the Donan Group organized a new group, the Oma Nuclear Power Plant Trial Preparation Group (大間原発訴訟準備会 Oma Gempatsu Soshu Junbi Kai) in order to prepare to sue in response to the announcement by the J-Power that they would start to construct the plant in August 2007.

In July 2007, the Chuetsu Offshore earthquake occurred in Niigata Prefecture. After this earthquake, new safety regulations in regard to the solidity of the ground were introduced. Group members hoped that this would change the decision about the construction.

Between November 2007 and February 2008, they collected a total of 64,222 signatures and submitted them along with other citizen groups and labor unions in Hokkaido and Aomori, demanding that the then NSC reject the construction.⁵ However, on April 23, 2008, the NSC gave its approval. The next day, the preparation group formally changed its name to CGOL.

As mentioned above, CGOL has numerous members from the Donan Group and the Study Group, but the membership does not overlap

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completely. There were also many members who did not want to take part in the legal action. Therefore, when CGOL holds an event such as symposium, the other two groups engage as supporting groups.

In July 2010, 168 CGOL members sued the government in court to cancel the approval for the plant construction, and sued J-Power to stop the construction and operation of the plant. They also demanded compensation from the defendants.⁶ The first trial was held on December 24, 2010, and the second trial was planned for May 19, 2011. On March 11, 2011, when the judge and lawyers from both sides met to prepare for the second trial, the earthquake and subsequently the Fukushima Daiichi Nuclear Power Plant accident occurred.



Photo 3: Tsukasa Nakamori, standing at the Shiokubi Cape, the closest point to the Oma Nuclear Power Plant from Hakodate

Note: On February 22, 2016. Photo by author.

people often attend their events. Members often receive cheers from residents and local neighborhood associations also started to take action against the Oma power plant.

“3/11 changed a lot of things. Many people started to think that there was no place to escape in Hakodate [, if a similar nuclear accident was to occur]”, observes Takeda. Oma nuclear plant is now regarded as posing a real risk to citizens’ daily life.

The membership of CGOL also spread. Before the 3/11 the plaintiff consists largely of citizens in Hakodate. Now, citizens from all over Hokkaido, and even from as far away as Kanagawa, Chiba and Tokyo in the Kanto Region joined. By 2016, there were more than 1,100 plaintiffs.⁷

Takeda express this expand, saying “we cannot identify now member’s name and their face.” The widening of the membership requires them to be more conscious about the way they present themselves to the public. As some people started to report the trial as “grassroots supporting group” (勝手連 Katteren), CGOL needed to make their own formal homepage and publish trial-related materials. Previously, they only had a blog written by one of the members voluntarily. The CGOL page now contains the phrase, “this homepage is the only one which publishes our formal information and opinions.”

CHANGES AFTER 3/11

After the 3/11 accident, the circumstances surrounding the CGOL changed dramatically.

Before 3/11 only around ten people attended the study meeting. Takeda said, “Our activity was mostly regarded just as a social movement by a particular part of the citizens.”

After 3/11, however, every time they hold a symposium, more than 200 people attended. Even in 2016, five years after the earthquake, around 100

RELATIONSHIP WITH OTHER ORGANIZATIONS

After 3/11, CGOL began networking with other citizen groups and other types of organizations. CGOL now has a relationship with members of Japan Agricultural Cooperatives (JA) and neighborhood associations. Together with these groups CGOL once invited former Prime Minister Jun’ichiro Koizumi, who began campaigning against nuclear power after the 3/11, to the symposium. On that occasion, more

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than 800 people came to listen to his speech.

Though CGOL's cooperation with these groups began after 3/11, both Takeda and Nakamori said that in Hakodate there was an atmosphere for networking among the different groups even before 3/11.

Takeda attributes this to Hakodate's merchant culture, saying “there is a history of cooperation in Hakodate, regardless of the political stances when citizen gather. Hakodate is a city of merchants, not militarists. The city has a bronze statue of Takadaya Kahei, [an Edo Era merchant] and there are four famous merchants who are known as the four heavenly ‘kings’. They made Hakodate, including Hakodate park. As a merchant, I also understand the view of the merchants well.”

The interviewees also noted that the fact that Hakodate does not receive any subsidy related to the plant makes it easier for people to cooperate against it.

As CGOL's membership grows and the organization strengthens its networking with other groups, the risks that the different political stances among the related people cause the dispute also grows.

In order to avoid this risk, Nakamori said, “I would like CGOL to remain a group for people who just want to stop the Oma nuclear power plant. I personally also attend the gathering on other issues such as TPP [Trans-Pacific Strategic Economic Partnership Agreement] or the security bills [introduced by the Abe government]. But I take care not to identify myself as a member of CGOL.”

CGOL members also socialize with members of the Hakodate municipal assembly. When we visited them for this interview, it was the day of their monthly demonstration. At the beginning of the demonstration, two municipal councilors, one from the Democratic Party of Japan (DPJ) and one from the Japanese Communist Party (JCP) made speeches.

When CGOL holds an event, they invite all of the political parties in Hakodate to attend. Sometimes the political parties also invite CGOL members to their gatherings. Nakamori said, “if invited and asked to talk about the nuclear power plant, I will go regardless of which party issued the invitation”.

Nevertheless, CGOL has stronger connections with councilors from the DPJ, the JCP and the Social Democratic Party. Nakamori said, “although I don't ask about party affiliation, I think we have very few members who support the Liberal Democratic Party (LDP) or the Komeito Party (KP).” Nakamori added that when they are invited, councilors from the LDP and KP do not come to CGOL's event, even though the two parties agree with the Hakodate City mayor's call for an indefinite freeze on the Oma plant's construction.

CONCLUDING REMARKS

Up until 2012, there were around fifty lawsuits regarding the construction and operation of the nuclear power plant in Japan. Citizens opposing nuclear power won only two of these cases and even then the decisions were eventually reversed by the Supreme Court.

Kenichi Ido, who as judge ordered the stop of the operation in Shiga (志賀) No. 2 nuclear power plant in 2006, explains the reason following. “Among the judges there were strong sense of reliability toward the safety standard set by the State. Judges had little sense of the reality that an accident might occur.” (Gendai Jinbunsha Henshubu 2012: 40).

Nevertheless, after 3/11 some changes can be seen among the judges.

On May 21, 2014, the Fukui local court ordered the cessation of operations at Oi (大飯 Ōi) No.3 and No. 4 power plant. The judgment noted that the plant

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Table 1: Chronology of the Oma Nuclear Power Plant and CGOL

Year	Month	Events related to the Oma plant	Events Related to the Citizen Group for the Oma Nuclear Power Plant Trial (CGOL)
1984	12	Oma Municipal Council formally invited the construction of an ATR reactor	
1986		Chernobyl accident occurred	Study Group on Nuclear Issues in Hakodate and Shimokita established
1994	5	Oma and Okoppe FCAs agreed to the construction	
	9		Donan Citizens Group to Stop the Oma Nuclear Power Plant (Donan Group) established
1995	8	AES announced the construction of a MOX reactor	
1998	12	NSC held the first public hearing	
1999	2		Donan Group sued the central government to demand the right to participate in the public hearing. (on 4.)
2005		NSC hold the second public hearing	
2006	5	Asako Kumagaya passed away (on 19).	
	12		Oma Nuclear Power Plant Trial Preparation Group (Preparation Group) established
2007	7	Chuetsu Offshore earthquake occurred	
	11		The Preparation Group collect signatures until February 2008.
2008	4	The NSC approved the construction (on 23)	CGOL was found (on 24)
	5	The construction started	
2010	12		CGOL sued the central government and J-Power (on 24)
2011	3	The construction was stopped because of 3/11	
	4	New Hakodate Mayor Toshiki Kudo elected	
2012	9	Hakodate municipal council reached a unanimous decision to the call for an indefinite freeze on construction (on 25)	
2014	4	Hakodate City sued the central government and J-Power (on 14)	

Note: This chronology was constructed by the author based on the original chronology by Nomura (2015: 266-274).

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operators cannot guarantee the absolute safety of the Oi plant (an appeal is now pending in the Nagoya High Court). On March 9, 2016, the Otsu District Court issued a provisional disposition against the operation of Takahama (高浜) No. 3 and No. 4 plants. (This case is now pending in the Osaka high court.)

However, the situation is very fluid. For example, on April 6, 2016, the Osaka high court overruled an objection lodged by citizens who demanded for the stop of operating Sendai No. 1 and No. 2 plants.

We concluded our interview by asking Nakamori about his expectations regarding the outcome of the case. He answered, “we do this thinking that we absolutely can win. And we cannot say we will stop even if we lose. If we give up, we cannot save Hakodate. We want to save Hakodate and the whole Donan area. Moreover, we think this is a problem for the whole of Hokkaido and even for the whole Japan.”

On March 19, 2018, the Hakodate District Court dismissed the lawsuit by CGOL. The Court ruled that there was no realistic possibility of a serious accident occurring, because at the moment the facility was undergoing screening by the Nuclear Regulation Authority to ensure it meets new safety standards imposed after the 2011. The court also judged that there is no serious defect in the new safety standards. The CGOL appealed to a higher court on March 28.

Further Information

Citizen Group for the Oma Nuclear Power Plant Trial
(大間原発訴訟の会)

<http://oomagenpatsu-soshounokai.org/>

Notes

1 For further information on the activities of the Study Group at that time, see also Inasawa and Miura (2014: 124).

2 For details about the acceptance by the FCAs, see also Nomura

(2015: 46-48).

3 According to Nomura (2015: 98), around 300 Hakodate residents attended the public hearing.

4 See also Nomura (2015: 102-104).

5 According to Yasuko Nomura (2015: 106), this campaign for collecting signatures was also intended to prepare for the preparation for lodging an objection against the approval of the construction. According to Junko Inazawa and Kyoko Miura (2014: 130-131), there are roughly three ways to bring a case against a nuclear power plant to court: (1) a civil trial, (2) administrative legislation to invalidate the confirmation by administrative bodies, and (3) administrative litigation to lodge an objection based on the Administrative Appeal Act. In the first approach, a civil trial, anti-nuclear citizens bring electric companies to court demanding they cancel construction and stop the operation of their facilities. They can start this type of trial at any time. Plaintiffs can also start the second administrative litigation for the confirmation of the invalidation, but they need to prove serious illegality. For the last objection trial, the citizens need to submit the objection within sixty days after government approval has been granted. In case of the trial by CGOL, 4,541 objection signatures were submitted to the government in June 2008 (Gendai Jinbunsha Henshubu 2012: 144).

6 The first administrative litigation on the cancelation of the approval of the plant construction was later withdrawn (Gendai Jinbunsha Henshubu 2012: 144). The reason was that in this trial, the plaintiff and layers needed to travel to either the Aomori or Tokyo District Court, which have jurisdiction in this matter and this was too difficult for them. The remaining civil trial was lodged in the Hakodate local court, where most of the plaintiffs are located. (Inazawa and Miura 2014: 130-131).

7 The number of plaintiffs increased as follows: 168 members (July 2010), 376 (December 2011), 663 (April 2013), 786 (February 2014), 897 (September 2014), 1010 (April 2015), 1063 (September 2015), 1134 (November 2016). The reason for the increase in membership is also due to the CGOL's tactics. Normally, plaintiffs seeking a halt to the construction of the nuclear power plant need to pay 15,000 yen in lodgment fees. This is too large burden for individual citizens and therefore, the plaintiffs group failed to attract many members. Therefore, they combined their demand for 30,000 yen as compensation money into their lawsuit. If the plant starts to operate, the plaintiffs argue that it will pose health risks and keep them in fear of accidents. Because the amount of the compensation money is low, the lodgment fee in this case is just 1,000 yen per person. CGOL restricts the number of plaintiffs seeking a halt to construction and increases the same time the number of the plaintiffs seeking compensation. Through this combination, they hold down the total expense of the trial and make it possible for citizens to join the plaintiffs group (Inazawa and Miura 2014: 144; Gendai Jinbunsha Henshubu 2012: 151).

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